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15 **UNITED STATES BANKRUPTCY COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 In re
19 PG&E CORPORATION,
20
21 and
22 PACIFIC GAS & ELECTRIC COMPANY,
23 Debtors.

25 Affects:

- 26 ☐ PG&E Corporation
27 ☐ Pacific Gas & Electric Company
28 ☒ Both Debtors

Rafey S. Balabanian (SBN 315962)
Todd Logan (SBN 305912)
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Case No. 19-30088 (Jointly Administered)

Chapter 11

**LIMITED JOINDER OF WILDFIRE
CLASS CLAIMANTS TO OBJECTION
OF CERTAIN PARTIES TO DEBTORS'
MOTION PURSUANT TO 11 U.S.C. §§
105(a) AND 502(c) FOR THE
ESTABLISHMENT OF WILDFIRE
CLAIMS ESTIMATION PROCEDURES
[Dkt. No. 3437]**

Date: August 14, 2019
Time: 9:30 a.m. (Pacific Time)
Place: U.S. Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 Creditors Kevin Burnett, Leslie Moore, Darwin Crabtree, Sandra Crabtree, Joseph Garfield,
2 Robert Eldridge, Benjamin Greenwald d/b/a Greenwald Pest Defense, individually and on behalf of
3 all others similarly situated; Lore Olds d/b/a Sky Vineyards, Skyla Olds, Nancy Hitchcock, Herman
4 Bossano, Rebecca Bailey, Ph.D. d/b/a It's Mine Don't Touch Trust and Transitioning Families, and
5 Charles Holmes, individually and on behalf of all others similarly situated; Jeanette Smylie,
6 individually and on behalf of all others similarly situated; and GER Hospitality, LLC, individually
7 and on behalf of all others similarly situated; William N. Steel, individually and on behalf of all
8 others similarly situated; and Karen Roberds and Anita Freeman, individually and on behalf of all
9 others similarly situated (collectively, "Wildfire Class Claimants") hereby join, in part, the
10 *Objection to Debtors' Motion Pursuant To 11 U.S.C. §§ 105(a) and 502(c) for the Establishment of*
11 *Wildfire Claims Estimations Procedures* (the "Objection") filed by David Herndon, Julia Herndon,
12 Gabriell Herndon, Jedidiah Herndon, Estefania Miranda, Steven Jones, Gabriella's Eatery, Chico
13 Rent-a-Fence, and Ponderosa Pest & Weed Control (collectively, "Objectors") [Dkt. No. 3437], and
14 state as follows:

15 **Limited Joinder**

16 Wildfire Class Claimants are individuals and businesses who suffered financial and/or
17 property damage as a result of wildfires caused by the Debtors' failing and improperly maintained
18 electrical equipment, including the 2017 North Bay Fires and the 2018 Camp Fire. Before the
19 Debtors filed for bankruptcy, Wildfire Class Claimants filed class action lawsuits against the Debtors
20 in state court, seeking to recover damages on behalf of themselves and others harmed by the
21 wildfires. When the Debtors filed bankruptcy, their state court proceedings were stayed pursuant to
22 11 U.S.C. § 362. In order to preserve their claims, Wildfire Class Claimants filed proofs of claim in
23 the bankruptcy proceedings shortly after Debtors commenced their filing. Wildfire Class Claimants
24 are therefore "creditors" within the meaning of the Bankruptcy Code, 11 U.S.C. § 101(10), and this
25 Court has jurisdiction over their claims. 28 U.S.C. § 1334(a). Wildfire Class Claimants have filed a
26 total of six proofs of claim in this proceeding on behalf of putative classes of individuals and
27 businesses harmed by the 2017 North Bay and 2018 Camp Fires. In fact, their proofs of claim are

1 among the first lodged in the bankruptcy case's claims register. *See* Northern District of California
2 Claims Register, No. 19-30088 PG&E Corporation, Claim Nos. 1-1 (Kevin Burnett et al.), 2-1 (Lore
3 Olds, d/b/a Sky Vineyards et al.), 3-1 (Jeanette Smylie), 4-2 (GER Hospitality, LLC), 6-2 (William
4 N. Steel), 8-2 (Karen Roberds and Anita Freeman). Each proof of claim incorporated and attached
5 a copy of the prepetition class action complaint that had been filed in state court before the automatic
6 stay took effect.

7 In the Objection, the Objectors express their concern that the estimation procedures
8 contained in Debtors' Motion Pursuant To 11 U.S.C. §§ 105(a) and 502(c) For the Establishment of
9 Wildfire Claims Estimation Procedures [Dkt. No. 3091] do not contemplate the possibility that this
10 Court will authorize class proofs of claim. Objection at 2. Wildfire Class Claimants believe the Court
11 will preserve the possibility of using class proofs of claim at an appropriate time. Nevertheless, out
12 of an abundance of caution and to avoid leaving the matter unaddressed, Wildfire Class Claimants
13 join the Objection and respectfully request that any proposed claims estimation procedures explicitly
14 allow for the estimation of class proofs of claim if such class proofs of claim are ultimately allowed.

15 As the Ninth Circuit has recognized, the bankruptcy code permits the use of class proofs of
16 claim. *In re Birthing Fisheries, Inc.*, 92 F.3d 939 (9th Cir. 1996). The tort claims of those impacted
17 by the 2017 North Bay and 2018 Camp Wildfires represent a substantial component of this
18 bankruptcy, involving as many as tens or hundreds of thousands of claimants who have collectively
19 suffered tens of billions of dollars in damages. Reaching those claimants, enabling them to engage
20 with the claim submission process, and ultimately resolving their claims will be a substantial
21 undertaking, and is one that is in its relatively early stages.

22 The Debtors' pending motion is silent as to whether the estimation procedures will allow
23 estimation of class proofs of claims. But there should be no doubt: the use of an estimation procedure
24 is appropriate for class proofs of claim. *See, e.g., In re Charter Co.*, 876 F.2d 866, 872 (11th Cir.
25 1989) ("The bankruptcy courts are well used to the estimation procedures outside the class action
26 context, even in highly complex cases."). That said, the question of whether to allow the use of class
27 proofs of claim has not yet been properly presented to the Court and is not ripe for adjudication. If
28

1 and when the issue arises, Wildfire Class Claimants would like the opportunity to fully brief and be
2 heard on it.

3 **Conclusion**

4 Accordingly, Wildfire Class Claimants submit this limited joinder and respectfully request
5 that the Court explicitly allow for the estimation of class proofs of claim if such class proofs of claim
6 are ultimately allowed.

7
8
9 Respectfully submitted,

10 Dated: August 13, 2019

11
12 By: /s/ Elizabeth J. Cabraser

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27 *Greenwald d/b/a Greenwald Pest Defense;*
28 *Lore Olds d/b/a Sky Vineyards, Skyla Olds,*
Nancy Hitchcock, Herman Bossano,
Rebecca Bailey, Ph.D. d/b/a It's Mine
Don't Touch Trust and Transitioning
Families, and Charles Holmes.

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SIGNATURE ATTESTATION

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s/) within this e-filed document.

/s/Elizabeth J. Cabraser